

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-3439 FMO (PJWx)	Date	October 20, 2017
Title	Richard Graff v. CitiMortgage, Inc., <u>et al.</u>		

Present: The Honorable **Fernando M. Olguin, United States District Judge**

Vanessa Figueroa

None Present

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Re: Dismissal

By order dated July 28, 2017, pro se plaintiff was ordered to show cause, on or before August 4, 2017, why this action should not be dismissed for lack of prosecution for failure to complete service of the summons and complaint as required by Rule 4(m) of the Federal Rules of Civil Procedure.¹ (See Dkt. 17, Court's Order of July 28, 2017 ("OSC")). Plaintiff responded to the OSC, (see Dkt. 22, Reply to Order to Show Cause Re Dismissal Re: Lack of Prosecution), and while not directly addressing whether defendants Cal-Western Reconveyance Corp. ("Cal-Western") and NBS Default Services ("NBS") have been served with process, (see, generally, Dkt. 22, Response), plaintiff requested that he be permitted to file an amended complaint, after which he would serve all defendants. (See id. at 2).

On September 1, 2017, the court granted plaintiff additional time to serve Cal-Western and NBS with the summons and complaint given his pro se status. (See Dkt. 29, Court's Order of September 1, 2017, at 2). The court also granted plaintiff until September 8, 2017, to file a First Amended Complaint. (See id.).

On September 20, 2017, after plaintiff failed to file a First Amended Complaint by the September 8, 2017, deadline, the court issued another order granting plaintiff until October 2, 2017, to file the First Amended Complaint. (See Dkt. 31, Court's Order of September 20, 2017, at 1). The court also granted plaintiff until October 9, 2017, to effect service of process on Cal-Western and NBS. (See id. at 2). While plaintiff filed his First Amended Complaint ("FAC") on October 2, 2017, he not only failed to effect service of process by October 9, 2017, (see, generally, Dkt.), he added defendants to the action. (See Dkt. 32, "FAC" at ¶ 2).

Based on the foregoing, IT IS ORDERED THAT:

1. Plaintiff is granted until **November 2, 2017**, to effect service of process on all unserved defendants. Plaintiff shall file valid proofs of service by no later than **November 7, 2017**.

¹ Unless otherwise indicated, all "Rule" references are to the Federal Rules of Civil Procedure.

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2. Plaintiff is cautioned that failure to effect service of process on the unserved defendants and to file valid proofs of service by the deadlines set forth in paragraph one will result in the unserved defendants being dismissed from this action without prejudice for failure to prosecute and/or failure to comply with a court order. See Fed. R. Civ. P. 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962).

3. The Order to Show Cause is hereby continued pending compliance with paragraph one above.

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Initials of Preparer	vdr		